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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/767,629	01/29/2004	01/29/2004 Rickey G. Lloyd 8670		5398	
7590 07/28/2005			EXAMINER		
RICKY G. LLOYD			SHAKER	SHAKERI, HADI	
LLOYD LABORATORIES 2001 E. SHEPHERD LAN LAKE POINT, UT 84074			ART UNIT	PAPER NUMBER	
			3723		

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)				
Had Shakeri - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be variable under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. - If the period for may be sended above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If the period for may be sended above, the maintrum statutory period will apply and will acquire SIX (6) MONTHS from the mailing date of this communication. - If the period for may be sended above is the state than there entity (30) days will be considered timely. - If the period for may be sended above is the state than there entity (30) days and will acquire SIX (6) MONTHS from the mailing date of this communication. - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any searmed patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filled on			10/767,629	LLOYD, RICKEY G.				
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See the attached detailed Office action for a list of the certified copies not received.	, , , , , , , , , , , , , , , , , , , ,							
Attachment(s)	_	•	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date	2)	of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Date 5) Notice of Informal Pa	e ,	152)			

Application/Control Number: 10/767,629

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, drawn to nail holder, classified in class 81, subclass 44.
 - II. Claims 13-15, drawn to method of driving a nail (method of uniting two or more elements), classified in class 52, subclass 745.21.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus, e.g. one not requiring the structures as recited for the holder or by hand.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/767,629

Art Unit: 3723

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Hadi Shakeri Primary Examiner Art Unit 3723 Page 3

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